

# **The Effect of Using Checklists on Forensic Child Sexual Abuse Evaluations**

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<p>Abstract:</p> <p>Research suggests that forensic child sexual abuse evaluations are not following evidence-based practice guidelines. In the present study we examined the potential benefits of using a checklist in these evaluations. We hypothesized that a checklist would contribute to an increased use of evidence-based considerations in the decision-making process, which, in turn, would improve the quality and legal usefulness of forensic psychological case reports. We tested this assumption through an experimental design. An experiment group was instructed to use a checklist when writing a forensic psychological case report. The control group did not receive a checklist. The rating of the case reports was divided into two conditions: a psychological rating, where quality of content was assessed, and a juridical rating, where legal usefulness was assessed. While the checklist significantly increased the number of evidence-based considerations in the written case reports, the observed increase for legal usefulness of these case reports did not reach statistical significance. The results of the present study suggest that checklists are a cost-effective way of improving professional practice. Because the present study is underpowered, replications are needed.</p>	
<p><i>Keywords:</i> checklist, child sexual abuse evaluations, decision-making, evidence-based</p>	
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<p>Sammanfattning:</p> <p>Forskning tyder på att rättspsykiatriska utredningar av sexuella övergrepp mot barn inte följer riktlinjerna för evidensbaserad praxis. I den här studien undersöktes potentiella fördelar av att använda en checklista vid sådana utredningar. Antagandet var att en checklista skulle bidra till en ökad användning av evidensbaserade resonemang vid beslutfattningsprocessen som i sin tur skulle förbättra kvaliteten och den juridiska användbarheten av rättspsykologiska utlåtanden. Antagandet testades genom en experimentell studie där en experimentgrupp instruerades att använda en checklista i samband med skrivandet av ett rättspsykologiskt utlåtande. Kontrollgruppen fick ingen checklista. Bedömningen av de skrivna utlåtandena bestod av en psykologisk bedömning där kvaliteten evaluerades och en juridisk bedömning där den juridiska användbarheten evaluerades. Checklistan hade en signifikant positiv inverkan på mängden evidensbaserade resonemang som presenterades i utlåtandena. Trots detta hade den inte en signifikant inverkan på den juridiska användbarheten av utlåtandena. Resultaten av den här studien tyder på att användning av checklistor är en kostnadseffektiv metod för att förbättra professionell praxis inom rättspsykiatriska utredningar av sexuella övergrepp mot barn. På grund av den låga statistiska styrkan i den här studien behövs replikationsstudier för att kunna säkerställa resultatens tillförlitlighet.</p>	
<p><i>Nyckelord:</i> checklista, utredningar av sexuella övergrepp mot barn, beslutfattning, evidensbaserad</p>	
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## INTRODUCTION

Over the last few decades, there has been a marked increase in suspected cases of child sexual abuse (CSA) reported to the authorities (Bruck, Ceci, & Hembrooke, 1998; Hinkkanen, 2009). CSA can be difficult to substantiate, since important evidence, such as reliable third-party witnesses or physical traces of the abuse, are frequently missing (Joki-Erkkilä, Niemi, & Ellonen, 2014; Kellogg, Menard, & Santos, 2004; Sbraga & O'Donohue, 2003). Distinguishing true allegations of CSA from false ones can therefore be highly challenging, and erroneous decisions can have detrimental consequences for both the child and the alleged perpetrator (Schultz, 1989; Wood, 1996). Failing to recognize a true allegation of CSA (i.e., a false negative decision) enables the abuse to continue and might even put other children at risk (Sbraga & O'Donohue, 2003), whereas failing to recognize a false allegation of CSA (i.e., a false positive decision) can ultimately lead to the wrongful conviction of an innocent person (Wakefield & Underwager, 1989).

As an attempt to decrease the amount of erroneous decisions, various researchers have stressed the importance of following evidence-based practice when evaluating the validity of CSA allegations (Herman, 2005; 2009; Kuehnle, 1998; Kuehnle & Connell, 2009; Wood, 1996). Despite this, there are concerns regarding its role in actual practice (Everson & Sandoval, 2011; Finnälä-Tuohimaa, 2009; Herman, 2005; Horner, Guyer, & Kalter, 1993a; 1993b). For example, some research findings suggest that mental health professionals (MHPs) working with evaluating CSA allegations rely more on clinical experience (i.e., experience of previously evaluated CSA cases) than methods that are in line with evidence-based practice (i.e., scientific knowledge) (Finnälä-Tuohimaa,

Santtila, Sainio, Niemi, & Sandnabba, 2005). Relying on scientifically unsupported methods, such as clinical experience, in tasks that involve a high amount of uncertainty and where corrective feedback is generally absent, can result in severe and systematic errors in judgment (Einhorn & Hogarth, 1978; Finnilä-Tuohimaa et al, 2005; Garb, 1989; Kuehnle, 1998). For these reasons, it is vital to establish a process that increases scientific reasoning in CSA evaluations.

### **Standard Recommendations for Forensic Child Sexual Abuse Evaluations in Finland**

In Finland, as in most Western European countries, evaluations of CSA allegations are primarily conducted by MHPs, such as psychologists, psychiatrists and social workers, working in specialized units of forensic child and adolescent psychiatry (Piha et al., 2013; Taskinen, 2003). The aim of these specialized units is to provide expert assistance to the police and to produce objective evidence (i.e., videotaped forensic interviews with the child) that can be used in a potential trial (Piha et al., 2013). In addition to this, the specialized units can assess the quality of already conducted interviews or, in cases where abuse has already been substantiated, estimate possible adverse effects of the abuse (Piha et al., 2013). Opinions provided by these specialized units therefore play a central role for the investigation as a whole.

In the beginning of the forensic evaluation, MHPs in Finland are instructed to make an evaluation plan, where case-specific hypotheses are formulated (Taskinen, 2003). The hypotheses should be derived from prior information about the child and the suspected abuse (i.e., be based on background material provided by the police) and collectively form all the realistic explanations for the suspicion (Taskinen, 2003).

Examples of such hypotheses could be:

H1. Lisa has been sexually abused by her uncle, as alleged.

H2. Lisa has been sexually abused, but by someone other than her uncle.

H3. Lisa has not been sexually abused. Lisa's mother has misunderstood

Lisa and unintentionally used suggestive questions to produce false accounts of sexual abuse.

H4. Lisa has not been sexually abused. Lisa's mother, who has an ongoing conflict with Lisa's uncle, has fabricated a story of sexual abuse.

The hypotheses are subsequently tested through gathering new information. Since there is rarely any corroborating evidence of the abuse (e.g., pregnancy, footage of the abuse), MHPs are commonly instructed to conduct comprehensive assessments (Everson & Faller, 2012; Dammeyer, 1998; Taskinen, 2003). Comprehensive assessments simultaneously consider several abuse indicators (i.e., sources of information) as opposed to just one indicator (Kuehnle & Connell, 2009). Typical sources of information used in Finland are background materials (e.g., information about the child's development, family background), forensic interviews with the child, forensic interviews with the parents or primary care takers, a medical examination of the child, and a psychological assessment of the child (Taskinen, 2003).

After the information gathering, a conclusion should be drawn from all the available evidence. The conclusion is communicated through a forensic psychological case report (Taskinen, 2003), which can be considered the end product of the evaluation. The case report should summarize all the information that has been gathered and received during the evaluation process (e.g., transcribed records of the forensic interview, results from somatic and psychological assessments) and provide an answer to the referral question (Taskinen, 2003). Answering the referral question should be



done by addressing the previously formed hypotheses and, most importantly, by stating the hypothesis that has received most support (Taskinen, 2003). The allegation can in this way be substantiated, unsubstantiated or, in some cases, undecided (Herman, 2005).

Despite a structured evaluation procedure that incorporates the use of standardized methods, such as the forming of alternative hypotheses and the use of a semi-structured interviewing protocol (i.e., the NICHD-protocol; Orbach et al., 2000) during the forensic interviews (Taskinen, 2003), there are still some methodological issues related to the actual decision-making process. Moreover, there are currently no standardized methods that guarantee the correct use of scientific reasoning when multiple pieces of evidence need to be integrated and interpreted as either substantiating or not substantiating an allegation. To understand how the lack of a standardized method might lead to serious and systematic errors in MHPs' case conclusions, it is necessary to consider two overarching issues: evidence-based decision-making in forensic CSA evaluations and prior research on MHPs' decision-making abilities.

### **Evidence-based Decision-Making in Forensic Child Sexual Abuse Evaluations**

One essential aspect of decision-making in forensic CSA evaluations, as in all other forensic evaluations, is a balanced and objective interpretation of the gathered evidence (de Ruiter & Kaser-Boyd, 2015; Piha et al., 2013). This means weighing substantiating and negating evidence equally. For example, if a child makes a disclosure that points to sexual abuse during the forensic interview, the MHP should acknowledge this (i.e., support the hypothesis of abuse), while simultaneously considering aspects that might influence the reliability of such disclosures (i.e., support one of the alternative hypotheses) (Piha et al., 2013). Thus, it is important to include prior events (i.e., has the police, the parent or any other person involved in the case posed open or leading

questions to the child) and the quality of the forensic interview (i.e., has the forensic interviewer posed open or leading questions to the child) (Piha et al., 2013; Korkman, Santtila, & Sandnabba, 2006). The requirement of balanced interpretation of evidence also means that the MHP should note missing pieces of information that might affect the reliability of the forensic evaluation (Piha et al., 2013). For example, if the forensic interview has mainly contained questions pertaining to one particular hypothesis but not questions pertaining to alternative hypotheses, the MHP should address this and, further, explain how this might affect the conclusions.

Another aspect of evidence-based decision-making in forensic CSA evaluations relates to statistics, namely the importance of considering the base-rate probability of the event being evaluated (Bridges, Faust, & Ahern, 2009; Sbraga & O'Donohue, 2003; Wood, 1996; Wood & Wright, 1995). Base-rate refers to the frequency with which a certain event has occurred previously in a specific population (Kahneman, Slovic, & Tversky, 1982) and should in CSA evaluations be taken as the initial probability of abuse when no other evidence is available (Everson & Faller, 2012; Proeve, 2009; Wood & Wright, 1995). For example, the initial probability of sexual abuse for a girl is approximately four times higher than it is for a boy (see Ellonen, Kääriäinen, Salmi, & Sariola, 2008; Sariola & Uutela, 1994). This initial probability can then be updated for each new piece of information (e.g., the results of medical findings, information retrieved in the interview) (Everson & Faller, 2012; Lyon, Ahern, & Scurich, 2012).

It is also important that MHPs are familiar with the scientific literature pertaining to CSA and CSA allegations (Herman, 2005). More specifically, MHPs should be adequately familiar with the latest research findings in order to apply this information to the individual case (Kuehnle, 1998). Well-researched subjects that are relevant for

forensic CSA evaluations are for instance the memory of children (Klemfuss & Ceci, 2009), the suggestibility of children (Ceci & Bruck, 1993; Harris, Goodman, Augusti, Chae, & Alley, 2009), and sexual behavior in children (Poole & Wolfe, 2009).

In other words, CSA evaluations require skills in correctly integrating a lot of case specific information, and applying knowledge from forensic and non-forensic psychology, to the single case. This should all be done while simultaneously addressing case specific hypotheses and classifying the allegation as substantiated, unsubstantiated or undecided. All of these aspects are part of the final decision-making process, in which a conclusion is formed.

### **Research on Mental Health Professionals as Decision-Makers**

There are, to our knowledge, no empirical studies investigating how MHPs working with forensic CSA evaluations consider the gathered evidence in the final decision-making process. Such issues have, however, been investigated to some extent in the general field of forensic mental health assessment.

A study conducted by Grosso (2010) lists the most common errors present in forensic reports written by MHPs who had not passed for the final phase of a post-doctoral specialty certification. Of these forensic reports, 8% were either child custody or abuse cases. The list of frequent problems, include “Failure to consider alternative hypotheses” (30% of reports), “Inadequate data” (28%), and “Over-reliance on single source of data” (22%). This means that about 1/3 forensic reports did not mention alternative hypotheses, although data allowed for this. It additionally means that approximately 1/4 forensic reports failed to address the issue of inadequate data and did not mention additional types of data that would have been required. In 1/5 forensic reports, opinions were based on merely one source of data (e.g., the examinee’s self-

report) instead of multiple sources. Although the aim of the study was not to assess the general quality of forensic reports written by forensic MHPs, it offers some insight into common mistakes that are frequently made by these professionals.

There are also studies that have attempted to investigate the role of base-rates in CSA evaluations. These studies show that MHPs working with CSA evaluations tend to either ignore or possess inaccurate information about such numbers (Finnilä-Tuohimaa, Santtila, Sainio, Niemi, & Sandnabba, 2009; Wood & Wright, 1995). For example, Finnilä-Tuohimaa et al. (2005) found that all the MHPs who participated in their study estimated the base-rate of CSA among boys as higher than what is indicated by research.

Furthermore, a recent study by Pelisoli, Herman and Dalbosco Dell’Aglia (2014) assessed the scientific knowledge pertaining to CSA allegations among both professionals working with CSA evaluations (i.e., psychologists, MDs, nurses and social workers) and non-professionals (i.e., undergraduate college students). The participants received a list of items such as “False reports of child sexual abuse by children can be created as a result of a single suggestive interview” or “At least 10% of 5-10-year olds who experience severe sexual abuse repress all memories of the abuse” and were asked to report whether each of these statements was “true” or “false”. The average percent of correct answers among all the participants was low: professionals scored slightly higher (55% correct) than non-professionals (44% correct; below the chance level). Even the subgroup of professionals expected to have the highest score (i.e., psychologists), were correct in only 76% of the cases. The authors concluded that the low scores were troubling since mistaken beliefs about the nature of CSA and CSA allegations could indicate a risk for erroneous judgments being made in the real world (Pelisoli, Herman, & Dalbosco Dell’Aglia, 2014).

Another study conducted by Finnälä-Tuohimaa et al. (2008) investigated similar issues among Finnish child psychologists. The purpose was to assess attitudes and beliefs concerning CSA by administering a 40-item questionnaire, where 21 items reflected attitudes and 19 items consisted of factual statements. Examples of items reflecting attitudes are “I feel angry when thinking of child sexual abuse” or “In cases of child sexual abuse, the threshold to convict should be kept lower than in many other crimes”. Examples of items consisting of factual statements are “In the interviewing situation it should be expressed that the child is safe from the perpetrator” or “If the interviewer believes that abuse has taken place, he/she should interview the child again even if the child denies the incident”. Participants were asked to report whether they agreed or disagreed with each of the items. The answers to the items reflecting attitudes showed that participants, in general, held moderate attitudes related to CSA and CSA evaluations. There were, however, minorities among the participants that possessed extreme attitudes. When analyzing the answers to the factual items, the average percentage of erroneous answers was 20%. The results also showed that there were participants that held very incorrect beliefs about CSA and that some erroneous beliefs were held by a majority of the participants (Finnälä-Tuohimaa et al., 2008).

In sum, previous studies suggest limitations to MHPs’ abilities as decision-makers in the context of CSA evaluations. Scholars have stressed the need for additional training for MHPs (e.g., Finnälä-Tuohimaa et al., 2005; Pelisoli, Herman, & Dalbosco Dell’Aglia, 2014). However, traditional training programs do not necessarily provide a long-term solution. Lamb, Sternberg, Orbach, Esplin and Mitchell (2002) demonstrated how the positive effects of supervision and feedback decrease after their termination. Finnälä et al. (2008) have additionally showed how training does not affect extreme

attitudes and pre-existing beliefs that some MHPs might possess. This highlights the need for continuous support in forensic CSA evaluations.

### **The Role of the Forensic Psychological Case Report in Legal Settings**

One of the central goals in conducting forensic evaluations and in producing forensic psychological case reports is to provide the legal decision-maker with necessary information to support the decision-making process (Bush, Connell, & Denney, 2006; Herman, 2009; Taskinen, 2003). The case reports are used for several different purposes in the legal process and can have a strong impact on the final verdict of a case (de Ruiter & Kaser-Boyd, 2015). After the so-called pre-investigation, which includes the forensic CSA evaluation, the decision of the police regarding whether to proceed with a case is partly based on the forensic psychological case report (Taskinen, 2003). If the case report states that the allegation was unsubstantiated, or if there is no suspected abuser, a case is most likely terminated (Taskinen, 2003). In cases where abuse is substantiated and when there is a suspected abuser, the case is usually handed over to the prosecutor (Taskinen, 2003). The prosecutor subsequently reviews the material from the pre-investigation, herein the case report, and decides whether there is sufficient evidence to bring the matter into court (Taskinen, 2003). The case report can additionally be used during the trial. MHPs involved in the evaluation might in those instances be asked to provide expert testimony, which should be based on the content of the case report (Taskinen, 2003).

Several different instances such as the police, prosecutors and judges must therefore be able to read and understand the case report and use the content for the purposes specified by their professional role in the legal process (Ellonen, 2013). In order to promote their usefulness in the legal process, it is necessary to explicate how

conclusions were formed during the forensic evaluation (de Ruiter & Kaser-Boyd, 2015; Shuman & Austin, 2009). Some important requirements that ought to be met in the forensic psychological case reports are explicitness (i.e., explaining which factors have been considered and how they have been weighted in reaching a conclusion), the certainty (or uncertainty) with which conclusions are stated (i.e., addressing issues that might compromise the reliability of the evaluation) and, finally, a clearly defined conclusion (de Ruiter & Kaser-Boyd, 2015; Piha et al., 2013; Taskinen, 2003). If a case report fails to communicate such information and is formulated in a vague manner, it might not have its intended procedural influence, or, even undermine the quality of the legal process (Pelisoli, Herman, & Dalbasco Dell’Aglia, 2014; Taskinen, 2003).

### **The Current Study**

In the current study we investigated whether a more standardized method of making decisions would improve the quality of forensic psychological case reports and whether this, in turn, would also increase the legal usefulness of such case reports. As an instrument to better standardize the decision making process we created a checklist. The checklist contained items derived from research on sexual abuse against children. Examples of these items were items addressing the initial probability of the event (e.g., How likely is the event considering the age of the child?), susceptibility (e.g., How susceptible is the child considering his or her age?), and memory (e.g., How much can a child of this age be expected to remember?). We assumed that such a checklist would remind the MHP to consider these vital and evidence-based aspects when writing their case report. Moreover, we expected that the checklist would help the MHP to explicate the reasoning behind their opinion regarding the ultimate question of whether the allegation can be substantiated or not. The effect of employing the checklist was

measured through an experimental design where participants were divided into two groups: an experiment group instructed to use the checklist and a control group without the checklist.

We expected that using the checklist would result in the following improvements:

- 1) Improve the quality of the case reports
  - a. by increasing the number of evidence-based considerations presented
  - b. by increasing the number of important forensic themes addressed
  - c. by improving the formulation of conclusions
- 2) Improve the legal usefulness of the case reports
  - a. by increasing the number of legally useful arguments mentioned

## **METHOD**

### **Participants**

The total number of participants in this study was 18. Of these, 13 participants wrote the case reports (i.e., case investigators) and five participants conducted blind evaluations of these case reports (i.e., raters). Of the 13 case investigators, nine were MHPs working with forensic CSA evaluations and four were psychology students. The MHPs were sampled by sending e-mails to all specialized units working with CSA evaluations in Finland inviting them to participate in the study. In Finland, approximately 20 psychologists/psychiatrists (this number varied slightly during the time of the data collection) work in these units, meaning that our response rate was about 50%. Verbal agreements were also made with the leading psychiatrists at these units, allowing the MHPs to partake in the study during their work hours. The MHPs



were all from different cities, or work teams, in Finland (Turku, Helsinki, Oulu and Kuopio). The psychology students were enrolled through university courses and e-mail lists. They were all currently master's level students from Åbo Akademi University and Turku University and had participated in at least one forensic psychological course during their studies. Participation for both MHPs and psychology students was anonymous and confidential.

Of the five raters, three were psychology students at their master's level, one was a law student at their master's level and one was a lawyer. The psychology students were used to rate the case reports for quality of content, while the other two raters (i.e., the law student and the lawyer) were used to rate the case reports for legal usefulness. All ratings were blind to the experimental condition.

An ethical permission was given by the Ethics Committee at the Department of Psychology at Åbo Akademi University before the initiation of the study.

### **Instruments and measures**

The material used by the case investigators consisted of a simulated case of suspected CSA, which was presented entirely in written form. The material included transcribed interviews with the child, results from psychological tests of the child, and background material similar to that given by the police in real forensic evaluations of CSA. Together with the case specific information we also gave the case investigators access to theoretical literature (see Appendix A) that could assist their decision making and case report preparation. The case investigators in the experiment group additionally received a checklist with 23 items to be ticked off during the writing process (see Appendix B). These items were categorized into seven themes, where every theme addressed a specific forensically relevant subject. The forensic themes included the

initial probability of abuse, the child's memory, the child's suggestibility, the child's story, the forensic interview, other evidence and evaluation of the written case report.

Two rating conditions were created to measure the effect of the checklist. To assess the quality of the case reports, we created a psychological rating with a formal measuring instrument. The instrument consisted of 41 criteria (see Appendix C). Each criterion yielded a score of either 0 or 1, and the total score of each case report thus ranged from 0 to 41 points. The criteria were, similarly to the checklist, categorized into seven themes, which included the initial probability of abuse, the child's memory, the child's suggestibility, the child's story, the forensic interview, other evidence and the formulation of conclusions. This formal measuring instrument also provided information about the number of forensic themes that were presented and how conclusions were formulated.

To assess the legal usefulness of the case reports, we created a juridical rating where informal methods were used. Participants in the juridical rating were instructed to manually highlight arguments that they found legally useful (i.e., arguments that could potentially be used as incriminating or discriminating evidence in a trial) and to score the case reports according to the number of received highlights (e.g., 4 highlighted arguments equaled 4 points). The decision to not give very detailed instructions was made to avoid asking the juridical raters to follow the quality criteria used by psychologists (and thus end up with two highly similar ratings). The total score of each case report therefore ranged from 0 to an unspecified upper limit.

## **Procedure**

Prior to the experiment, the case investigators were divided into two different conditions: a control group and an experiment group. The MHPs were allocated to a

certain condition based on the unit they worked in, so that all the participants from one unit were part of the same condition. This was done in order to avoid contamination between groups within these units. Units were randomly allocated to the experimental groups. The psychology students were also randomly allocated to either the control or the experimental condition.

The case investigators were contacted via e-mail. They received a link to a website where they were provided with material from a simulated case of alleged CSA. In the simulated case, a seven-year-old girl was being investigated for having been sexually abused by her swimming instructor. The task was to write a case report that was based on the case material on the website. Similarly to the practices in real forensic CSA evaluations, participants were instructed to explicitly state which factors were influencing their decisions and, further, to explain how these factors affected their decisions. The participants in the experiment group additionally received a checklist that was supposed to be used during the writing process.

The completed case reports were subsequently rated for quality of content and legal usefulness. In both rating conditions, the raters were provided with printed versions of the case reports, enabling them to take the material home and complete the task in their own preferred time and pace. The psychological raters additionally received a printed version of the 41 criteria designed to measure the quality of content of the written case reports. All raters were asked to rate the case reports individually and to handle the material with confidentiality. All case reports were printed in a random, yet constant order, so that every rater read them in the same random sequel.

### **Statistical Analyses**

To assess the inter-rater consistency for the psychological and juridical ratings,

we used Intra-class correlations (*ICC*). This allows for raters to vary systematically (e.g., have different thresholds), while assessing the between-rater consistency. The *ICC* indicated almost perfect consistency for both the psychological rating ( $ICC = .936$ ) and the juridical rating ( $ICC = .879$ ). For nominal ratings we used Cohen's  $\kappa$  (Cohen, 1960). There was a high inter-rater agreement between coders regarding the conclusions ( $\kappa = .806$  for whether a conclusion was clearly stated or not, and  $\kappa = 1.00$  for whether abuse was substantiated, unsubstantiated or whether the ultimate case remained undecided in the case report). To test for differences between groups for the psychological and juridical ratings, we conducted independent samples t-test, with the condition (control vs. experimental group) as the grouping variable. Two sided p-values were used as tests for statistical significance. We also reported the effect size (Cohen's *d*) and the Bayes factor (*BF*) for these group comparisons. The Bayes factor indicates the strength of evidence for the hypothesis (compared to the null hypothesis). According to Kass and Raftery (1995), a *BF* between 0 and 2 indicates that the strength of evidence is low, while a *BF* of 6 or more indicates strong evidence. For nominal outcomes, we conducted chi-square tests. For binominal outcomes, we also reported the Odds ratio.

## RESULTS

### Descriptive Results

The experiment group ( $n = 6$ ) consisted of two students and four psychologists. The control group ( $n = 7$ ) consisted of two students, two psychologists, one psychiatrist and two MHPs who chose not to report their professions. Participants in the control group ( $M = 37.50$ ,  $SD = 11.57$ ) where, on average, older than participants in the

experiment group ( $M = 29.50$ ,  $SD = 6.35$ ;  $t [11] = 1.36$ ,  $p = .208$ ). Two participants (one in each group) did not report their age.

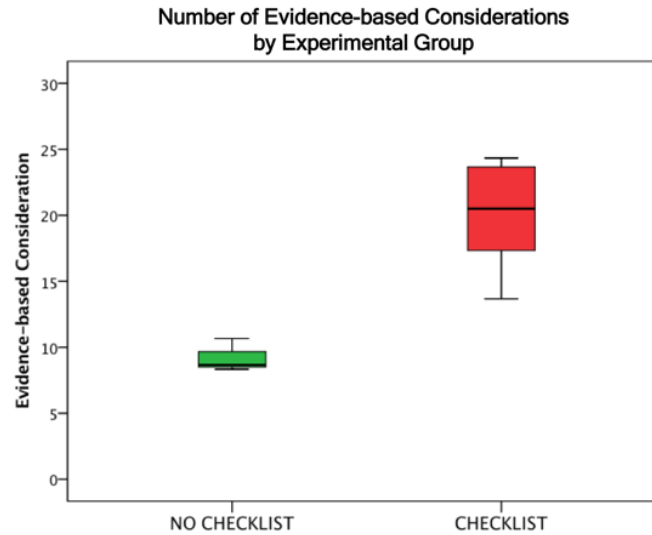
The mean score for the psychological rating was 13.54 ( $SD = 6.19$ ) and 10.92 ( $SD = 3.55$ ) for the juridical rating. The correlation between the psychological rating and the juridical rating

( $r = .653$ ,  $p < .05$ ) indicated consistency between psychological and juridical raters.

Concerning the conclusions in the case reports, four out of 13 case reports were considered too unclear to interpret. In the nine case reports, one case investigator substantiated the abuse, six considered the alleged abuse unsubstantiated, and two considered the alleged abuse undecided.

### **The Effect of Using a Checklist on Number of Evidence-based Considerations**

We then proceeded by conducting an independent groups t-test to investigate whether using the checklist affected the number of evidence-based considerations. In line with our expectation, we found a significant effect of using the checklist on the psychological rating ( $t [11] = 6.77$ ,  $p < .01$ , Cohen's  $d = 2.66$ ,  $BF = 481.40$ ). Individuals using the checklist ( $M = 20.00$ ,  $SD = 4.16$ ) performed on average better than individuals without the checklist ( $M = 9.14$ ,  $SD = 0.90$ ). In fact, a post-hoc evaluation showed that the highest score in the group with no checklist (10.67) was lower than the lowest score in the group using a checklist (13.67). (See Figure 1). Students ( $M = 13.75$ ,  $SD = 7.46$ ) performed almost as well as professionals ( $M = 14.95$ ,  $SD = 6.28$ ; ( $t [11] = 0.30$ ,  $p = .773$ )).

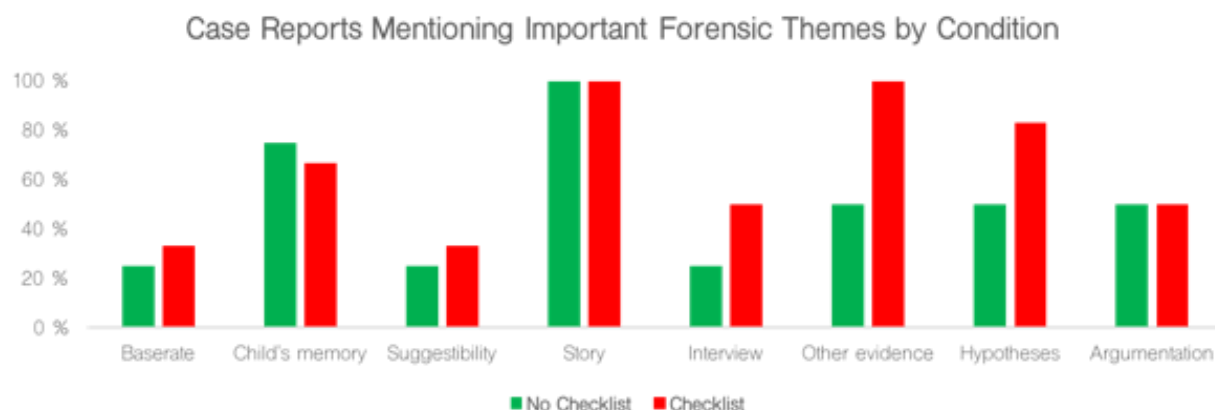


*Figure 1.* The effect of using a checklist (vs. no checklist) on the number of evidence-based considerations. Error bars represent 95% CI.

### **The Effect of Using a Checklist on Number of Important Forensic Themes**

After this, we investigated if and how the checklist increased the number of important forensic themes mentioned in the case reports. This information was derived from the results of the psychological rating, where formal methods were used. Interestingly, approximately the same number of forensic themes was mentioned in both groups. The mean number of forensic themes was 4.38 ( $SD = 2.06$ ) in the group without the checklist and 5.25 ( $SD = 1.37$ ,  $t [11] = 0.903$ ,  $p < .386$ ) in the group using the checklist. We also counted the number of case reports mentioning a specific forensic theme and conducted chi-square tests to test whether a specific theme was mentioned more often in the checklist group compared to the no checklist group. No statistically significant differences were found (all  $ps > .05$ ), although for all forensic themes except

one, the theme was equally or more often mentioned in the checklist group compared to the no checklist group (see Figure 2 for frequencies).



*Figure 2.* Percentage of case reports presenting a specific forensic theme, analyzed separately for each of the possible themes. The two conditions are marked in green (no checklist) and red (checklist).

### **The Effect of Using a Checklist on Formulating Conclusions**

We then tested whether the conclusions reached by the case investigators differed between the two conditions. First, we tested whether using a checklist increased or decreased the clarity, with which the conclusion was expressed. In the group using the checklist, one out of six conclusions was considered unclear. In the group not using a checklist, three out of seven conclusions were considered unclear. This difference did not reach statistical significance ( $\chi^2 [1] = 1.040, p = .308, OR = 2.57$  and  $\chi^2 [1] = 1.270, p = .260, OR = 3.00$  after removing students from the analysis).

We then analyzed whether there was a difference between the two groups with respect to the outcome, that is, whether clear conclusions substantiated, unsubstantiated

the allegation or stated that the case remained undecided. Cases with low clarity were removed from these analyses. There was no statistically significant difference between the groups with respect to whether alleged abuse was substantiated, unsubstantiated or undecided ( $\chi^2 [2] = 2.06, p = .358$ ). Removing the students did not affect this ( $\chi^2 [2] = 1.12, p = .571$ ).

### **The Effect of Using a Checklist on Number of Legally Useful Arguments**

As a final analysis, we examined the effect of using a checklist on the number of legally useful arguments. We did not find a statistically significant difference between the two groups ( $t [11] = 1.67, p = .123$ , Cohen's  $d = 1.01$ ,  $BF = 1.60$ ). In this rating condition, individuals using the checklist ( $M = 12.58, SD = 3.69$ ) received higher evaluations than individuals not using the checklist ( $M = 9.50, SD = 2.97$ ). Students ( $M = 10.00, SD = 2.48$ ) did not perform as well as professionals ( $M = 12.15, SD = 3.45$ ;  $t [12] = 1.087, p = .302$ ).

## **DISCUSSION**

The aim of the present study was to explore the effect of a checklist on decision-making in forensic CSA evaluations. We investigated whether a more standardized method of making decisions would improve the quality of forensic psychological case reports written by a group of professionals and non-professionals. We also investigated whether improvements in the quality of the case reports would contribute to their increased legal usefulness. The results were obtained by randomly dividing participants into an experiment group, using the checklist, and a control group, without the checklist. Quality was assessed through a psychological rating, where formal methods were used



to score the written case reports, while legal usefulness was assessed through a juridical rating, where scoring was based on informal methods.

In accordance with our predictions, we found a positive effect of using the checklist on the number of evidence-based considerations in the written case reports. We additionally found that using the checklist increased the clarity with which conclusions were stated, although this difference was not statistically significant. When analyzing the legal usefulness, the checklist contributed to a small increase in the number of legally useful arguments in the case reports. The difference was not, however, statistically significant.

### **The Checklist and Quality of the Case Report**

In this study, using a checklist had a significant positive effect on the number of evidence-based considerations presented in case reports. Participants who had been provided with a checklist included more evidence-based considerations in their CSA evaluation than participants without the checklist. The number of evidence-based considerations in the checklist group was twice as high as in the control group. The finding that the highest total score in the group with no checklist was lower than the lowest total score in the group using a checklist also served to demonstrate just how considerable this difference was. Furthermore, the use of a checklist increased the number of evidence-based considerations for both professionals and non-professionals.

The importance of evidence-based reasoning in forensic CSA evaluations has been discussed in numerous scientific papers (Herman, 2005; Kuehnle, 1998; Wood, 1995). Prior theoretical and methodological articles suggest that an accurate discrimination between abused and non-abused children primarily relies on the use of such valid considerations in the decision-making process (Dammeyer, 1998; Everson,

Sandoval, Berson, Crowson, & Robinson, 2012; Herman, 2005). The increased amount of evidence-based considerations when using a checklist in CSA evaluations is tentatively an important finding for the field.

Pending replication, the findings are encouraging. Checklists are simple and cost-effective tools that can be implemented to forensic CSA evaluations with almost no extra effort. Apart from improving the quality of case reports (and potentially also the validity of the final conclusion), checklists could potentially also decrease the need for continuous and expensive training, the effects of which seem to be small over the long run (Lamb et al., 2002). What is more, the checklist could potentially also be a solution to the ever prevailing risk of cognitive bias (see Everson & Sandoval, 2011; Horner, Guyer, & Kalter, 1993a; 1993b) by including statements designed to counteract common biases.

The checklist did not have a significant effect on the number of important forensic themes that were presented in the case reports. It is interesting that the number of evidence-based considerations increased, while the number of important themes that these considerations were categorized into did not. It seems likely that the effect of the checklist is general in the sense that it does not remind the user of a particular theme they otherwise would be likely to overlook. Rather, the effects are more global, leading to small improvements over a range of themes. From a visual inspection of the frequencies with which certain themes were brought up in the case reports, it seems like the checklist might be particularly useful for reminding MHPs to mention other evidence.

It is, however, important to note that theoretical material was provided to both groups. This might indirectly have offered some guidelines to participants in the control

group of the themes that would be important to address. Some examples of the titles of the provided theoretical material are “Children’s Resistance to Suggestion” and “Normative Memory Development and the Child Witness”. If the control group would have received the material in a less organized fashion (i.e., one single volume instead of several chapters from this volume), the difference in regards to the number of themes addressed might have been greater between the two groups. Providing the material in a less organized fashion would additionally have borne a closer resemblance to the real situation for MHPs in forensic CSA evaluations.

When analyzing the effect of using a checklist on the formulation of conclusions, using the checklist increased clarity in the stated conclusions. However, this increase did not reach statistical significance. In the experiment group, only 1/6 case reports was considered unclear, while 3/7 case reports were considered unclear in the control group. Despite it being statistically non-significant, this is a noteworthy outcome. It could be argued that the conclusion of a forensic psychological case report is its most important feature, due to the strong influences it might have in the legal process (de Ruiter & Kaser-Boyd, 2015). If a case report fails to conclude the outcome of the evaluation, it can undermine the value of the evaluation as a whole. Any methods that have the potential to improve the clarity with which MHPs state their conclusions should therefore be considered of value.

### **The Checklist and Legal Usefulness of the Case Report**

Despite its significant positive effect on the number of evidence-based considerations, the checklist did not have a significant positive effect on the number of legally usefulness arguments in the written case reports. In this rating condition, case reports written by participants in the experiment group received only slightly higher

scores than those written by participants in the control group. This finding is also interesting. It might be that a high forensic psychological quality of a case report, where many evidence-based considerations have been presented, does not guarantee its intended value at the receiving end. Here, the moderate correlation between juridical and psychological ratings is informative. This correlation indicates that legal raters, partly, placed value on different aspects of the written case reports compared to the psychological raters. Such differences in perceived quality between MHPs and legal professionals have also been discussed previously. Spiers (2003) has for instance addressed how psychologists and medical professionals tend to focus on the methods and reasoning that have been used to arrive at a specific statement, while the court tends to put more value on assessing the relevance of the statement. This would further highlight the importance of explaining the meaning or implication of a certain evidence-based consideration that is presented in the case report. For example, if base-rate for the event is mentioned, there should be a short section explaining base-rates per se to explain the general relevance of such information. It could also be important to include items in the checklist that are especially designed with legal usefulness in mind.

When interpreting the results from the juridical rating some issues should, however, be borne in mind. The juridical rating consisted of two raters who rated 13 case reports with few instructions. The juridical raters might in other words have been sensitive to forensic themes, such as the child's suggestibility and the child's memory, but not to more specific criteria, or subcategories, of these themes. For example, "Mentions the time that has passed between the alleged abuse and the interview" and "Mentions how much a child of this age can be expected to remember" were both subcategories of the child's memory. While legal raters might find it sufficient that a

child's memory is discussed at a more general level, psychological raters might be more inclined to place greater emphasis on more detailed aspects of memory.

### **Strengths and Limitations**

One of the strongest limitations of this study was the small sample size. The low number of participants (i.e., case investigators) was due to our strict inclusion criteria for professionals, that is, including only those working in the specialized units were eligible. In Finland, some 20 psychologists and psychiatrists work in these units. Of those, we managed to sample almost half.

Although we had hoped for an even higher response rate, some professionals did not participate. This was likely due to the time consuming task. The estimated time for reading through the provided material and writing the case report was two hours, which might have affected individuals' willingness to participate. The low number of participants makes it difficult to interpret the significance tests. It is likely that this study was underpowered and that several type-II errors were made. Because of this we find it important to conduct a replication with a larger number of participants in order to verify the results. Also, a higher number of participants would increase the precision with which the effect size estimates are made.

Another limitation can be ascribed to the rating methods that were used to measure the legal usefulness of the case reports. It is common that legal professionals (e.g., prosecutors, judges) are specialized in certain fields. None of the raters used in this study had any prior experience with CSA evaluations, which lowers the ecological validity of our results.

The key strength of this study lies in the remarkable effects that could be established by giving a virtually cost-free tool to MHPs. Using the checklist doubled the

number of evidence-based considerations in the written case reports. Furthermore, although the number of participants was low, we recruited a highly representative sample. Many of the prior studies investigating issues related to CSA and CSA evaluations in Finland have recruited MHPs who have not primarily been working with forensic CSA evaluations (see Finnälä-Tuohimaa et al., 2005; Finnälä-Tuohimaa et al., 2008; Finnälä-Tuohimaa et al., 2009). Such inclusion criteria yield a higher amount of participants, but limit the specificity of findings. The professionals in this study were all recruited from the specialized units, where the majority of forensic CSA evaluations in Finland are conducted. This ensures high ecological validity of our study.

## **Conclusions**

The results of the present study suggest that the overall quality of forensic psychological case reports can be improved by using a simple checklist. The checklist seems to remind the user to consider important evidence-based aspects that would otherwise be neglected during the decision-making process in forensic CSA evaluations. The checklist additionally seems to have a positive influence on how clearly the final conclusions in the case reports are stated. More empirical research is needed to support these findings. Nevertheless, while the results are preliminary, they indicate that checklists have the possibility to create substantial improvements in how decisions in forensic CSA evaluations are made, and further, how forensic psychological case reports are written.

## **Future directions**

It is clear that more research is needed to extend on the findings of this study. We hope that this study is replicated with a larger number of participants. These participants could furthermore be provided with real CSA cases to increase the ecological validity of

the potential findings. Another important focus should be on recruiting real professionals from the legal field to rate the legal usefulness of case reports. Finally, it would be important to also include items that are designed to specifically improve the legal usefulness of forensic CSA evaluations. Such items could be generated together with legal professionals who are specialized in working with allegations of CSA.

## SWEDISH SUMMARY – SVENSK SAMMANFATTNING

### **Effekten av checklistor vid rättspsykiatriska utredningar av sexuella övergrepp mot barn**

Mängden misstänkta fall av sexuella övergrepp mot barn (SÖB) har ökat markant under de senaste decennierna (Bruck, Ceci, & Hembrooke, 1998; Hinkkanen, 2009). SÖB kan vara svåra att verifiera eftersom viktiga bevis, som ögonvittnen eller somatiska fynd, ofta saknas (Joki-Erkkilä, Niemi, & Ellonen, 2014; Kellogg, Menard, & Santos, 2004; Sbraga & O'Donohue, 2003). Det kan även därför vara svårt att skilja mellan sanna och falska anklagelser av SÖB – en uppgift där felaktiga slutsatser kan ha förödande konsekvenser för både barnet och den misstänkta förövaren (Schultz, 1989; Wood, 1996).

I hopp om att minska risken för felaktiga beslut har forskare och experter förespråkat vikten av evidensbaserad praxis vid utredningar av SÖB (Herman, 2005; 2009; Kuehnle & Connell, 2009). Trots detta är det fortfarande oklart om eller till vilken grad sådan praxis följs i praktiken (Herman, 2005; Horner, Guyer, & Kalter, 1993a; 1993b). Det finns exempelvis vissa forskningsresultat som tyder på att professionella som arbetar med dessa utredningar ofta förlitar sig på metoder som saknar vetenskapligt stöd (dvs. tidigare klinisk erfarenhet) (Finnilä-Tuohimaa, Santtila, Sainio, Niemi, & Sandnabba, 2005). Att förlita sig på metoder som saknar vetenskapligt stöd i en uppgift som ofta omfattar osäkerhet kan resultera i systematiska felslut (Einhorn & Hogarth, 1978; Finnilä-Tuohimaa et al., 2005; Garb, 1989; Kuehnle, 1998). Det är därför ytterst



viktigt att etablera en process som försäkrar att evidensbaserad praxis inom utredningar av SÖB följs.

I Finland utförs utredningar av SÖB primärt av professionella inom social- och hälsovården, t.ex. psykologer, psykiatrer och socialarbetare som arbetar på specialiserade rättspsykiatriska enheter för barn och unga (Piha et al., 2013; Taskinen, 2003). Professionella inom dessa enheter har som uppgift att medverka i polisutredningen och assistera polisen att fatta viktiga rättsliga beslut (Piha et al., 2013).

Den typiska proceduren för rättspsykiatriska utredningar i Finland brukar följa en specifik struktur, som innehåller viktiga standardiserade metoder (se Taskinen, 2003). I början av den rättspsykiatriska utredningen utformas fallspecifika hypoteser för att ange alla realistiska förklaringar till att misstanken om det sexuella övergreppet har uppkommit (Taskinen, 2003). Dessa hypoteser testas därefter genom en insamling av viktigt och relevant bevismaterial. Bevismaterial som används i Finland utgörs typiskt av bakgrundsmaterial (information om barnets utveckling, familjebakgrund), rättspsykologiska intervjuer med barnet, rättspsykologiska intervjuer med föräldrarna eller primärvårdarna samt somatiska och psykologiska undersökning av barnet (Taskinen, 2003). När allt material samlats in ska utredaren komma fram till en slutsats genom att ta ställning till de utformade hypoteserna (Taskinen, 2003). Misstanken kan därmed klassificeras som begrundad, ogrundad eller i vissa fall omöjlig att ta ställning till (Herman, 2005). Slutsatsen och resultaten av undersökningen kommuniceras via ett rättspsykologiskt utlåtande (Taskinen, 2003), som kan betraktas som själva slutprodukten av den rättspsykiatriska utredningen.

Trots en välstrukturerad utredningsprocedur finns det fortfarande vissa metodologiska brister i slutet av den rättspsykiatriska utredningen, dvs. i själva

beslutfattningsprocessen. Det finns med andra ord inga standardiserade metoder som garanterar en korrekt behandling och tolkning av det insamlade bevismaterialet. För att kunna förstå de möjliga konsekvenserna av detta är det viktigt att betrakta innebörden av evidensbaserad beslutsfattning och tidigare forskning om professionellas förmåga att fungera som beslutsfattare.

Evidensbaserad beslutsfattning vid rättspsykiatriska utredningar av SÖB kräver att man på ett balanserat sätt kan integrera stora mängder fallspecifik information (Piha et al., 2013). Man ska med andra ord kunna väga in information som stöder hypotesen om att det sexuella övergreppet verkligen hänt, samtidigt som man väger in information som stöder de alternativa hypoteserna (dvs. hypoteser om att det sexuella övergreppet inte hänt) (Piha et al., 2013). Vidare är det viktigt att beakta basfrekvenser som möjliggör en objektiv uppskattning av den initiala sannolikheten för det sexuella övergreppet (Bridges, Faust, & Ahern, 2009; Wood & Wright, 1995). Det är exempelvis ungefär fyra gånger vanligare att flickor blir utsatta för sexuella övergrepp i jämförelse med pojkar (Ellonen, Kääriäinen, Salmi, & Sariola, 2008; Sariola & Uutela, 1994). Sådan information kan sedan uppdateras med ny information som samlas in under utredningens gång (Everson & Faller, 2012; Lyon, Ahern, & Scurich, 2012). Evidensbaserad beslutsfattning kräver slutligen att man är bekant med tidigare vetenskaplig forskning om SÖB och andra relevanta rättspsykologiska ämnen (Herman, 2005). Fallspecifik information bör alltid granskas i ljuset av sådana forskningsresultat så att eventuella slutsatser är baserade på vetenskapliga resonemang (Kuehnle, 1998).

Tidigare forskning tyder på att det finns begränsningar i professionellas förmåga att fungera som beslutsfattare i samband med utredningar av SÖB. När det gäller tolkning av fallspecifik information finns det studier inom det allmänna fältet av

rättspsykologiska undersökningar vars resultat tyder på att professionella ofta glömmer att beakta alternativa hypoteser, förbiser viktig information och förlitar sig på endast en typ av bevismaterial istället för flera (Grosso, 2010). I frågan om bassannolikheter visar studier att professionella ofta antingen försummar eller felskattar sådan information (Finnilä-Tuohimaa, Santtila, Sainio, Niemi, & Sandnabba, 2009; Wood & Wright, 1995). Flera vetenskapliga studier har dessutom påvisat att professionella ofta uppvisar luckor i sitt vetenskapliga kunskapsområde (Finnilä-Tuohimaa et al., 2008; Pelisoli, Herman, & Dalbosco Dell'Aglio, 2014). Sådana begränsningar talar för ett behov av stödmedel i rättspsykiatriska utredningar av SÖB.

Ett av de centrala målen i att utföra rättspsykiatriska utredningar och skriva rättspsykologiska utlåtanden är att stöda beslutsfattare i det juridiska systemet (dvs. åklagare, domare), som i slutändan är de personer som ansvarar för åtalsprövning och domslut (Bush, Connell, & Denney, 2006; Taskinen, 2003). De rättspsykologiska utlåtandena måste därför kommunicera viktig information på ett begripligt sätt, så att de kan förstås av andra yrkesgrupper (Ellonen, 2013). Viktiga krav för ett utlåtande ur ett juridiskt perspektiv är därför tydlighet (dvs. att förklara vilka faktorer som har beaktats och hur de har vägts in för att nå en slutsats), felvarians (dvs. att ta upp osäkerheten som är förknippad med argument och den valda slutsatsen) och en tydligt formulerad slutsats (de Ruiter & Kaser-Boyd, 2015; Piha et al, 2013;. Taskinen, 2003). Om ett utlåtande inte uppfyller dessa krav, kan viktig information som uppkommit under den rättspsykiatriska utredningen gå förlorad eller tolkas på ett felaktigt sätt (Pelisoli, Herman, & Dalbasco Dell'Aglio 2014; Taskinen, 2003).

## **Syfte**

Denna studie undersöker effekten av en checklista vid rättspsykiatriska utredningar av SÖB. Effekten mäts genom en experimentell studie där deltagarna delas in i två grupper: en experimentgrupp med checklista och en kontrollgrupp utan checklista. Uppgiften är att skriva ett rättspsykologiskt utlåtande som ska demonstrera effekterna av checklistan. Antagandet är att en checklista ska bidra till följande förbättringar i de skrivna utlåtandena:

- 1) en förbättring i kvaliteten som kan mätas genom
  - a. en ökad mängd evidensbaserade resonemang
  - b. en ökad mängd rättspsykologiska temata
  - c. en förbättring i formuleringen av slutsatser
- 2) en förbättring i den juridiska användbarheten som kan mätas genom
  - a. en ökad mängd juridiskt användbara argument.

## **METOD**

### **Deltagare**

I denna studie deltog sammanlagt 18 personer, varav 13 hade som uppgift att skriva ett rättspsykologiskt utlåtande (s.k. fallutredare) och fem hade som uppgift att utföra en bedömning av de skrivna utlåtandena (s.k. bedömare). Av de 13 fallutredarna var nio professionella som arbetade med utredningar av SÖB och fyra psykologistuderande. Av de fem bedömarna var tre psykologistuderande, en juridikstuderande och en jurist. De tre psykologistuderandena skulle bedöma kvaliteten av utlåtandena, medan juridikstuderanden och juristen skulle bedöma den juridiska användbarheten av utlåtandena.

### **Instrument och mått**

Materialet som användes av fallutredarna bestod av bakgrundsmaterial, transkriberade intervjuer med barnet, resultat från psykologiska test med barnet och vetenskaplig litteratur om SÖB. Fallutredarna i experimentgruppen fick dessutom en checklista med 23 punkter som kategoriserades i sju rättspsykologiska temata. Dessa var bassannolikhet, barnets minne, barnets suggestibilitet, barnets berättelse, den rättspsykiatriska intervjun, annan evidens och evaluering av det egna utlåtandet.

Två metoder för att bedöma innehållet av utlåtandena användes. För att bedöma kvaliteten av utlåtandena skapades en psykologisk bedömning med ett formellt poängsättningsinstrument. Instrumentet bestod av 41 kriterier som kategoriserades i sju rättspsykologiska temata. Dessa var bassannolikhet, barnets minne, barnets suggestibilitet, barnets berättelse, den rättspsykiatriska intervjun, annan evidens och slutsats. Totalsumman för varje utlåtande varierade mellan 0 och 41 poäng.

För att bedöma den juridiska användbarheten av utlåtandena skapades en juridisk bedömning där informella metoder användes för poängsättning. Deltagarna i den juridiska bedömningen instruerades att markera juridiskt användbara argument i texten och att poängsätta utlåtandena enligt den mängd markeringar de gjort. Totalsumman för varje utlåtande varierade därmed mellan 0 och en ospecificerad övre gräns.

### **Procedur**

Innan experimentet började delades fallutredarna slumpmässigt in i två olika betingelser: en kontrollgrupp och en experimentgrupp. De kontaktades därefter via e-post och fick en länk till en nätsida där de fick instruktioner och material till uppgiften. Uppgiften var att skriva ett rättspsykologiskt utlåtande som baserades på det erhållna materialet.

Deltagarna som tillhörde experimentgruppen instruerades dessutom att använda en checklista under uppgiftens gång.

Bedömarna fick utlåtandena i utskrivet format. Bedömarna från den psykologiska bedömningen fick ytterligare en utskriven version av de 41 kriterier som var ämnade att mäta kvaliteten av utlåtandena. Alla utlåtandena skrevs ut i en slumpmässig men konstant ordning, så att varje bedömare läste dem i samma slumpmässiga ordningsföljd.

## **RESULTAT OCH DISKUSSION**

I den här studien undersöktes effekten av en checklista på beslutfattningsprocessen vid rättspsykiatriska utredningar av SÖB. Syftet var att undersöka om ett mer standardiserat sätt att fatta beslut kunde förbättra kvaliteten och den juridiska användbarheten av rättspsykologiska utlåtanden skrivna av både professionella och icke-professionella. Resultaten erhöles genom en experimentell design där deltagarna slumpmässigt indelades i en experimentgrupp med checklista och en kontrollgrupp utan checklista. Kvaliteten bedömdes i en psykologisk bedömning där en formell metod användes för att mäta mängden evidensbaserade resonemang, mängden rättspsykologiska temata och formuleringen av slutsatser. Den juridiska användbarheten bedömdes i en juridisk bedömning där informella metoder användes för att uppskatta mängden juridiskt användbara argument.

### **Checklistan och kvaliteten av det rättspsykologiska utlåtandet**

I den här studien hade användning av en checklista en signifikant positiv effekt på mängden evidensbaserade resonemang som presenterades i de rättspsykologiska utlåtandena. Antalet evidensbaserade resonemang som nämndes i experimentgruppen var två gånger högre än det motsvarande antalet som nämndes i kontrollgruppen. Dessa förbättringar kunde dessutom observeras hos både professionella och icke-professionella.

Vikten av evidensbaserade resonemang i rättspsykiatriska utredningar av SÖB har diskuterats i flera vetenskapliga artiklar (Everson, Sandoval, Berson, Crowson, & Robinson, 2012; Herman, 2005; Kuehnle, 1998; Wood, 1995). Tidigare teoretiska och metodologiska artiklar visar att en korrekt diskriminering mellan utnyttjade och icke-utnyttjade barn primärt avhänger av sådana valida resonemang i beslutfattningsprocessen (Dammeyer, 1998; Herman, 2005; Kuehnle, 1998; Wood, 1995). Sambandet mellan checklistan och den ökade mängden evidensbaserade resonemang vid utredningar av SÖB är därför ett viktigt resultat. Checklistor är dessutom enkla och kostnadseffektiva verktyg som lätt kan implementeras till rättspsykiatriska utredningar av SÖB.

Checklistan hade inte en signifikant effekt på antalet rättspsykologiska temata som nämndes i utlåtandena. Det är intressant att mängden evidensbaserade resonemang ökade, medan antalet viktiga rättspsykologiska temata som dessa resonemang kategoriserades i inte gjorde det. Det verkar utifrån detta som att effekten av checklistan är global, dvs. att den leder till små förbättringar i en rad olika temata istället för en förbättring i ett visst specifikt rättspsykologiskt tema. Det är ändå viktigt att framhäva att resultaten kan bero på andra faktorer som till exempel det teoretiska materialet som

tilldelades båda experimentella grupperna. Dessa kan indirekt ha gett riktlinjer till deltagarna i kontrollgruppen om vilka temata som var viktiga att nämna.

Checklistan ökade ytterligare tydligheten av slutsatserna som presenterades i utlåtandena, även om resultatet inte var signifikant. I experimentgruppen klassades endast 1/6 slutsatser som otydliga, medan den motsvarande andelen i kontrollgruppen var 3/7. Slutsatsen av en rättspsykiatrisk utredning kan påverka den fortsatta straffprocessen (Taskinen, 2003) och det är därför viktigt att denna utformas tydligt. Metoder som potentiellt kan förbättra sådan tydlighet borde därför betraktas som betydelsefulla.

### **Checklistan och den juridiska användbarheten av utlåtandet**

Trots det signifikanta positiva sambandet mellan checklistan och mängden evidensbaserade resonemang, hade checklistan inte ett signifikant positivt samband med mängden juridiskt användbara argument som presenterades i utlåtandena. Detta resultat är också intressant. Det kan med andra ord vara att en förbättrad rättspsykologisk kvalitet av ett utlåtande där flera evidensbaserade resonemang har använts inte garanterar dess avsedda värde hos den mottagande parten. Spiers (2003) har till exempel diskuterat hur psykologer och professionella inom medicin tenderar att framhäva vikten av metoderna och resonemangen som ligger bakom ett uttalande, medan rätten tenderar att sätta större vikt på att bedöma relevansen av ett uttalande. Detta framhäver ytterligare vikten av att förklara betydelsen av ett specifikt evidensbaserat resonemang som presenteras i ett utlåtande. Det är dock viktigt att poängtera att den juridiska bedömningen bestod av två deltagare som bedömde de skrivna utlåtandena med väldigt få instruktioner. De två experimentella grupperna skiljde sig inte signifikant åt



beträffande antalet viktiga rättspsykologiska temata som nämndes i utlåtandena och det kan vara att de juridiska bedömnarna i större grad uppmärksammade sådana aspekter istället för mera specifika detaljer.

### **Styrkor och begränsningar**

En av de mest framträdande begränsningarna i den här studien är den lilla sampelstorleken som minskar generaliserbarheten av resultaten. En annan begränsning relaterar till bedömningsmetoderna som användes för att mäta den juridiska användbarheten av utlåtandena. Inga jurister eller andra professionella inom juridik som i verkligheten arbetar med fall av SÖB rekryterades, vilket sänker den ekologiska validiteten av resultaten från den juridiska bedömningen. Den mest framträdande styrkan i den här studien är däremot den markanta skillnaden som kunde observeras mellan de två experimentella grupperna; att använda en checklista fördubblade mängden evidensbaserade resonemang som presenterades i de rättspsykologiska utlåtandena.

### **Sammanfattning och framtida forskning**

Resultaten av den här studien tyder på att den generella kvaliteten av rättspsykologiska utlåtanden kan förbättras med användning av en enkel checklista. Checklistan verkar påminna användaren om att beakta viktiga evidensbaserade aspekter som annars skulle försummas under beslutfattningsprocessen i rättspsykiatriska utredningar av SÖB. Checklistan verkar ytterligare ha en positiv inverkan på hur tydligt slutsatser i de rättspsykologiska utlåtandena presenteras. Det behövs däremot mer empirisk forskning för att stöda dessa resultat.

Framtida forskning kunde replikera denna studie med ett större antal deltagare. Dessa deltagare kunde dessutom förse med riktiga fall av SÖB, vilket skulle öka den ekologiska validiteten av eventuella fynd. Därtill kunde professionella från det juridiska fältet som i verkligheten arbetar med fall av SÖB rekryteras för att bedöma användbarheten av de rättspsykologiska utlåtandena. Det vore även önskvärt att utveckla punkter på checklistan som specifikt är ämnade för att förbättra den juridiska användbarheten av rättspsykologiska utlåtanden.

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## Appendix A

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## Appendix B

### The Checklist Used in the Experimental Condition

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#### Themes and Items

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##### The Initial Probability of Abuse

- ☐ How likely is the event when considering the child's age?
- ☐ How likely is the event when considering the child's sex?
- ☐ Is the alleged perpetrator related to the child?
- ☐ How likely is the event when considering the relatedness of the child and the alleged perpetrator?

##### The Child's Memory

- ☐ How much time has passed since the alleged event?
- ☐ How much can a child of this age be expected to remember from the alleged event?
- ☐ Is there any reason to suspect that the child's memory would be weaker than his or her peers?

##### The Child's Suggestibility

- ☐ How suggestible is a child of this age?
- ☐ Is there any reason to suspect that the child would be more suggestible than his or her peers?

##### The Child's Story

- ☐ Has the child been interviewed or has someone spoken with the child before the recorded interviews?
- ☐ If so, was the previous interviewer neutral?
- ☐ Is the child's story spontaneous according to the previous interviewer?
- ☐ Does the child have a motif for telling an untruthful story?
- ☐ Is the alleged sexual abuse of the child linked to a custody battle?
- ☐ Does someone else involved in the case have a motif for leading the child to tell an untruthful story?
- ☐ Does the alleged event intervene with natural laws or is it in some other way unlikely?

##### The Forensic Interview

- ☐ Have all the hypotheses been tested equally in the forensic interview?
- ☐ Has the essential information been elicited through open-ended questions?

##### Other Evidence

- ☐ Is there any physical evidence of sexual interaction or trauma in the genitalia?
- ☐ If there is, can the alternative hypothesis be discarded?

##### Evaluation of The Written Case Report

- ☐ Has the link between each point in the checklist and their effect on the final decision been clearly stated?
  - ☐ Are there any other relevant considerations that need to be addressed besides the questions listed in the checklist?
  - ☐ Does the current case report contain any irrelevant information?
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Appendix C  
Scoring Instrument in Psychological Rating Condition

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Themes and Criteria

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The Initial Probability of Abuse

1. Mentions the base-rate of CSA for 7-year-old girls, in Finland
2. Mentions that CSA is less likely if younger child/more likely if older child
3. Mentions that CSA is more common among girls than boys
4. Mentions that the suspect is not biologically related to the child
5. Mentions that CSA is more likely when the suspect is not biologically related to the child than when the suspect is biologically related to the child
6. Mentions that the child's description of the alleged event does not intervene with natural laws
7. Mentions that it does not increase the probability of abuse

The Child's Memory

8. Mentions that it has been approximately two months between the alleged event and the interview
9. Mentions that recollection is generally better when the time that has passed is shorter
10. Mentions that the child was 7 years at the time of the alleged event
11. Mentions that older children have a better memory than younger children
12. Mentions that there is no reason to suspect that the child's memory would be weaker than her peers
13. Mentions a reasoning for this

The Child's Suggestibility

14. Mentions that a child is less suggestible if older
15. Mentions that there is no reason to suspect that the child would be more suggestible than her peers
16. Mentions a reasoning

The Child's Story

17. Mentions that the child has been interviewed earlier
  18. Mentions that the grandmother has used leading questions
  19. Mentions that it decreases the reliability
  20. Mentions that the story was not spontaneous
  21. Mentions a reasoning for this
  22. Mentions that it decreases the reliability
  23. Mentions whether the child has a motif for lying
  24. Mentions a reasoning for this
  25. Mentions whether it increases or decreases the reliability
  26. Mentions whether anyone else has a motif for lying
  27. Mentions a reasoning for this
  28. Mentions whether it increases or decreases the reliability
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### The Forensic Interview

- 29. Mentions that there have not been questions about the alternative hypotheses in the forensic interview
- 30. Mentions that it decreases the possibility of falsifying the alternative hypotheses
- 31. Mentions whether important information has been elicited through open-ended questions
- 32. Mentions a reasoning for this
- 33. Mentions whether it increases or decreases the reliability

### Other Evidence

- 34. Mentions that there are no somatic findings
- 35. Mentions that there are no DNA findings
- 36. Mentions that it does not prove that nothing happened
- 37. Mentions that it decreases the likelihood of the event
- 38. Mentions that the child has had psychological symptoms
- 39. Mentions that it does not prove or disprove that something happened

### The Formulation of Conclusions

- 40. Mentions which hypothesis has received most support
  - 41. Mentions a reasoning for the chosen hypothesis
-

## PRESSMEDDELANDE

### **En checklista kan leda till förbättringar i rättspsykiatriska utredningar av sexuella övergrepp mot barn**

Pro gradu-avhandling i psykologi

Fakulteten för humaniora psykologi och teologi, Åbo Akademi

Resultaten från en pro-gradu avhandling vid Åbo Akademi tyder på att en checklista kan skapa viktiga förbättringar i hur beslut i rättspsykiatriska utredningar av sexuella övergrepp mot barn fattas och vidare hur rättspsykologiska utlåtanden skrivs. I avhandlingen undersöktes bland annat checklistans inverkan på mängden evidensbaserade resonemang som användes då en misstanke om ett barns sexuella övergrepp skulle utredas. Studien visar att checklistan verkar leda till en ökad användning av evidensbaserade resonemang och att den dessutom verkar ha en positiv inverkan på hur tydligt slutsatser i de rättspsykologiska utlåtandena presenteras.

Vidare undersöktes om dessa förbättringar kunde bidra till en ökad juridisk användbarhet av de rättspsykologiska utlåtandena, vilket mättes genom mängden juridiskt användbara argument. Trots den ökade mängden evidensbaserade resonemang framkom inga signifikanta förbättringar i mängden juridiskt användbara argument.

Sammanlagt deltog 18 försökspersoner i studien, varav 13 hade som uppgift att skriva ett rättspsykologiskt utlåtande och fem hade som uppgift att utföra en bedömning av de skrivna utlåtandena. Av de som skrev de rättspsykologiska utlåtandena var nio professionella som arbetade med utredningar av sexuella övergrepp mot barn och fyra psykologistuderande. Av de som bedömde de rättspsykologiska utlåtandena var tre psykologistuderande, en juridikstuderande och en jurist.

Avhandlingen utfördes av Emma Meurman under handledning av Dr. Jan Antfolk.

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